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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/851,977 | 05/10/2001 | Takahiro Koga | 01USFP641-m.k. | 4106 |
| 30743 | 7590 | 05/22/2006 | EXAMINER | |
| WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190 | | | KRAMER, JAMES A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3627 | |

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/851,977 | KOGA, TAKAHIRO | |
| | Examiner James A. Kramer | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 March 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 21-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 21-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| <p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.</p> | <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p> |
|---|---|

DETAILED ACTION

Acknowledgements

Claims 1-20 are cancelled.

Claims 21-24 are newly added.

Claims 21-24 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21, recites on lines 14-15, “*accounting, using said service system, to a broadcaster, advertising agency or advertiser based on results of said selectively presenting step.*” Examiner notes that according to Webster’s Ninth New College Dictionary “accounting” is a noun. Further, it is unclear what “accounting” is with respect to the claimed invention. A review of Applicant’s specification (for example page 24 line 25 through page 25, line 1) leads to the following interpretation:

Perform an accounting operation using the service system to a broadcaster, advertising agency or advertiser based on results of said selectively presenting step.

Examiner notes that this is the interpretation that will be given to this limitation in this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24, as best interpreted by the Examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Wachob in view of Wolzien and in further view of Dedrick.

Wachob teaches the targeting of particular commercial advertisements to television viewers having particular demographic characteristics, and the subsequent retrieval of market research data identifying the programs selected and commercials viewed by particular demographic types (see column 4, lines 25-31).

With respect to **claim 21**, Wachob teaches *registering a plurality of users with a service system connected to a network, each user registered in said registering step providing personal data about the user* (for example see column 5, line 64 through column 6, line 1; and column 6, lines 11-26 and column 9, lines 15-19).

Examiner notes here that Wachob teaches the controller which is local to the user stores the demographic data. Further, Wachob teaches in one embodiment this data can get to the controller from the cable systems headend. Lastly, Wachob teaches cable subscribers. It is the position of the Examiner that subscribers represents registering users including personal data (i.e. address).

With further respect to **Claim 21**, Wachob teaches *broadcasting an advertisement program to a plurality of user terminals, wherein said broadcasting is performed according to policy data determined by an advertiser wherein said policy data includes sales promotion contents and detailed data for an article.* (see for example column 2, lines 14-18). Examiner notes that the specific language of the claims requires the broadcasting according to policy data which includes sales promotion contents and detailed data. It is the position of the Examiner that broadcasting one commercial for children and one for adults meets the recited claim limitation.

With further respect to **claim 21**, Wachob teaches *tracking selections made by one or more users with respect to one or more advertisement programs in said service system through the network* (see for example column 8, lines 17-33). Examiner notes that based on the broadest reasonable interpretation (supported by the same interpretation as Wachob, see column 8, lines 21-23) “selections” represents advertising programs viewed by users.

With respect to **claim 21**, Wachob does not teach *providing a user with a private page which presents information to said user related to selections made by the user nor does it teach selectively presenting on said private page, using said service system and at the request of the user, said detailed data.*

Wolzien teaches providing direct automated access to an online information service provider through an address embedded in a video or audio program. In particular Wolzien teaches the address of an online information provider is encoded in a vertical blanking interval or other non-displayed portion of an electronic signal which represents the video or audio program so as not to interfere with the program as displayed or transduced on a television or audio sound

system. The online information provider address is detected and decoded from the electronic signal and used in establishing a direct digital communication link to the online information provider. Upon detecting an online provider address, the system indicates to the user that more information is available. The user may then elect to establish a connection with the online information provider by giving a simple command, e.g., pushing a special button on a remote control. The system then automatically establishes a direct digital communication link to the online information provider through the address and provides for interactive information exchange and processing to permit signals received from the online information provider to be displayed on a conventional television, transduced on a sound system, or also on a high resolution reproducing system such as a computer monitor, or other reproduction device (see Abstract).

Wolzen teaches that such functionality allows a user to fully explore all of the related information available from the online information provider (see column 4, lines 38-40)

Examiner notes that these teachings of Wolzien represent *providing a user with a page which presents information to said user related to selections made by the user and selectively presenting on said page, using said service system and at the request of the user, said detailed data.*

It would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the television program of Wachob by encoding in the vertical blanking interval the address of an online information provider so as to allow a user to establish a direct digital communication link with the online information provider as taught by Wolzien. One of ordinary skill in the art would have been motivated to modify the references in order to allow a

user to fully explore all of the related information available from the online information provider, as taught by Wolzien.

With respect to **claims 21 and 23-24**, the combination of Wachob in view of Wolzien does not specifically teach:

- providing a private page (claim 21) to the user,
- *wherein policy data includes customer data describing qualities of a type of customer based on age or sex and said selectively presenting step presents said detailed data which is related to said customer data.* (claim 23)
- *wherein said policy data includes external data describing one of weather and time zones, and said selectively presenting step presents said detail data which is related to said external data* (claim 24)

Examiner starts by noting that “private page” is defined by Applicant in the Specification on page 12, liens 22-24 as “a home page for the exclusive use to the user.” Examiner interprets this as a customized page.

Dedrick teaches dynamically customizing electronic information to individual end users based on a client personal profile database (see for example abstract and column 6, lines 34-36). Examiner notes that customized electronic information represents Applicant’s private page.

Further Diedrick teaches the client personal profile database includes data describing qualities of a user as require by claim 23 (see column 5, lines 50-55) and external data describing one of weather and time zones as required by claim 24. (see column 5, lines 55-59). Examiner

notes that a mailing address is an external piece of data which “describes a time zone” and therefore meets the recited limitations of claim 24.

Dedrick teaches that reason for such features is to present customized information to an end user without specific direction from the end user (see column 1, lines 59-61).

It would have been obvious to one of ordinary skill in the art at the time of the present invention to modify related online information of Wachob in view of Wolzien by customizing it to the individual user, based on data describing qualities of the user or describing time zones as taught by Dedrick. One of ordinary skill in the art at the time of the invention would have been motivated to modify the references as described above in order to present customized information to an end user without specific direction from the end user.

With respect to **claims 21 and 22** the combination of Wachob in view of Wolzien does not specifically teach:

- *performing an accounting operation using the service system to a broadcaster, advertising agency or advertiser based on the results of said selectively presenting step.* (claim 21)
- *updating policy data based on the results of said selectively presenting site* (claim 22)

Examiner notes that the “*results of the selectively presenting step*” represents what was selectively presented. In other words, the results are determined via a tracking/monitoring function that monitors and tracks what is selectively presented to (or viewed by) the user.

Further, Examiner points out that “*policy data*” as defined in claim 21, lines 6-7 “*includes sales promotion contents and detailed data for an article.*” As such, Examiner interprets “*updating policy data based on the results of said selectively presenting step*” to be updating demographic data associated the policy data, i.e. tracking who views (is selectively presented) detailed data on specific articles in order to update the demographic relationship between the detailed data who would be interested in viewing said data.

Dedrick teaches a client activity monitor which monitors the actions taken by an individual end user when consuming electronic information and transfers it to an advertiser (*performing an accounting operation using the service system to a broadcaster, advertising agency or advertiser based on the results of said selectively presenting site*) (see for example the paragraph bridging columns 7 and 8, with specific note to column 8, lines 15-16).

Diedrick also teaches the metering server tracks the information viewed by and user and sends it to a clearinghouse which compiles the data (*updating policy data based on the results of said selectively presenting site*)(see for example column 14, lines 1-11).

Dedrick teaches that reason for such features is to allow electronic information providers to direct their electronic information to markets they believe the information will appeal most (see column 1, lines 45-50).

It would have also been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching Wachob in view of Wolzien to include a client activity monitor which monitors the actions taken by an individual end user when consuming electronic

information and transfers it to an advertiser and a clearinghouse which compiles (updates) the data as taught by Deidrick. One of ordinary skill in the art at the time of the invention would have been motivated to modify the references as described above in order to allow electronic information providers to direct their electronic information to markets they believe the information will appeal most.

Response to Arguments

Applicant's arguments with respect to claims 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 3/9/06 assert that Voyticky fails to render claims 21-24 obvious. Examiner notes that claims 21-24 have never been rejected by Voyticky. Rather, claims 1-20 (which are now cancelled) were rejected as being obvious over Voyticky in view of Admitted Prior Art. In view of these facts, Applicant's remarks filed with the amendment on 3/9/06 are clearly moot.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 800-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

5/17/06

jak